

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

DEMETRIUS JERNIGAN,

Plaintiff,

v.

Warden MARTY ALLEN, *et al.*

Defendants.

CASE NO.: 7:15-CV-74 (WLS)

ORDER

On May 12, 2015, United States Magistrate Judge Thomas Q. Langstaff filed a Recommendation recommending that the Court dismiss Plaintiff Demetrius Jernigan's complaint without prejudice because Jernigan has not yet exhausted his administrative remedies. (*See* Doc. 6.) In his complaint, Jernigan alleged that he has begun the grievance procedure but that procedure has not yet been exhausted. (*See* Doc. 1 at 3.) Jernigan did not file an objection within fourteen days as permitted by Judge Langstaff's Recommendation or 28 U.S.C. § 636. (*See generally* Docket.) He did, however, file a letter stating that he intends to refile his complaint. (*See* Doc. 7.) The Court agrees with Judge Langstaff's finding that Jernigan's complaint should be dismissed for failure to exhaust because Jernigan alleged in his complaint that he has not yet exhausted his administrative remedies.

Upon full review and consideration of the record, Judge Langstaff's Recommendation (Doc. 6) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein, together with the reasons stated and conclusions reached herein. As such, Defendant Demetrius Jernigan's

complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**. To the extent Jernigan wishes to refile this suit, he should file a new complaint to be docketed under a new case number.

SO ORDERED, this 5th day of June 2015.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT